

April 27, 1951

To: Joint Copyright Committee

From: Public and Governmental Relations Committee  
Technical and Scientific Publishers Group

Subject: Legislation to Permit Payment of Fees by the Armed Services  
for Use of Copyrighted Material

For many years, when publishers have asked the Armed Services to pay fees for use of large quantities of copyrighted material, the Armed Services have stated that, under the law regulating their appropriations, no funds were available for such payments. This being true, publishers have been under pressure to permit the free use of their and their authors' property, and many have yielded to this pressure.

Since most requests are for use of technical and scientific material, this lack of available funds has been especially hurtful to the members of the Technical and Scientific Publishers Group, who feel that they should not be expected to donate their literary property to the Armed Services any more than General Electric, for example, should be expected to donate motors and other equipment for military use. For this reason, the Technical and Scientific Publishers Group has been investigating existing legislation and urging the passage of new legislation which would permit the Armed Services to pay reasonable fees for use of copyrighted material.

In Chapter X, Title VII of Public Law 759, Chapter 896, 2d Session (providing for appropriations for the support of the Government for the fiscal year ending June 30, 1951), there is a section dealing specifically with copyrights:

"Sec. 613. The appropriations contained in this chapter for the Air Force, Navy, and for the Army, which are available for the procurement or manufacture of supplies, materials, and equipment of special or technical design may be used for the development and procurement of gages, dies, jigs, and other special aids

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and appliances, production studies, factory plans, and other production data, including specifications and detailed drawings, and for the purchase of copyrights and letters patent, applications, therefor, and licenses thereunder pertaining to such supplies, equipment, and materials for which the appropriations are made."

There is some question, however, regarding the application of this provision, and, of course, its force expires with the fiscal year. It is apparent, then, that further legislation is needed.

In February, bills (S. 966 and H.R. 2821) "To enact certain provisions now included in the Defense Appropriation Act and the Civil Functions Appropriation Act, and other purposes" were introduced in the Senate and House of Representatives by Mr. Russell and Mr. Vinson respectively, and have been referred to the Committee on Armed Services in both houses. Section 24(a) of these bills, applying to copyrights, is as follows:

"Sec. 24. (a) Appropriations for the military departments available for procurement or manufacture of supplies, equipment, and materials shall also be available for the purchase or other acquisition of (1) copyrights, letters patent and applications for letters patent; (2) licenses under copyrights, under letters patent and under applications for letter patent; (3) designs and design data. Any such purchase or other acquisition shall pertain to supplies, equipment, materials, or processes produced or used by or for, or useful to, the department concerned."

The importance of this legislation should not be underestimated. Here for the first time is legislation recognizing the need which the Armed Services have for use of copyrighted material and the right of authors and publishers to expect and receive payment for use of their literary property by the Armed Services. And it is of special importance at the present time when the many training and educational sections of the Armed Services are producing their own training manuals (textbooks) rather than buying published books. Their "writing mills" are running full blast throughout the country; scissors and paste pots are being

worked overtime, and the printing will be done by G.P.O. Whole chapters and sections of published books are being lifted and used, both with and without permission, but never with pay. (An official in the Judge Advocate General's office has admitted that a license for the use of copyrighted material is the only existing commodity or thing that cannot be bought by the Army.)

Our committee is working with a Department of Defense Task Force in an effort to obtain better regulation of the use of copyrighted materials by the Armed Services. This will be a long and hard struggle. Meanwhile, we feel that the whole publishing industry should strongly support the passage of bills S. 966 and H.R. 2821.

It is our understanding that these bills are remedial legislation designed to put in permanent form material already approved by Congress, and that there will be no opposition to their passage. Nevertheless, in order to urge early action on these bills, we propose that all members of the publishing industry be requested to write to members of the Committees on Armed Services in both houses, stressing the importance of Section 24(a) to the Armed Services and publisher alike, and asking their support for its passage.

Following is the membership of the Committees on Armed Services:

Senate

Richard B. Russell, of Georgia	Styles Bridges, of New Hampshire
Harry Flood Byrd, of Virginia	Leverett Saltonstall, of Massachusetts
Virgil M. Chapman, of Kentucky	Wayne Morse, of Oregon
Lyndon B. Johnson, of Texas	William F. Knowland, of California
Estes Kefauver, of Tennessee	Harry P. Cain, of Washington
Lester C. Hunt, of Wyoming	Ralph E. Flanders, of Vermont
John C. Stennis, of Mississippi	

J. Nelson Tribby, Chief Clerk

House of Representatives

Carl Vinson, of Georgia	Dewey Short, of Missouri
Overton Brooks, of Louisiana	Leslie C. Arends, of Illinois
Paul J. Kilday, of Texas	W. Sterling Cole, of New York
Carl T. Durham, of North Carolina	Paul W. Shafer, of Michigan
Lansdale G. Sasscer, of Maryland	Charles H. Elston, of Ohio
James J. Heffernan, of New York	Jack Z. Anderson, of California
L. Mendel Rivers, of South Carolina	William W. Blackney, of Michigan
Philip J. Philbin, of Massachusetts	Leroy Johnson, of California
F. Edward Hébert, of Louisiana	Harry L. Towe, of New Jersey
Arthur Winstead, of Mississippi	Leon H. Cavin, of Pennsylvania
Franck R. Havenner, of California	Walter Norblad, of Oregon
Melvin Price, of Illinois	James E. Van Zandt, of Pennsylvania
O. C. Fisher, of Texas	James T. Patterson, of Connecticut
Porter Hardy, Jr., of Virginia	Paul Cunningham, of Iowa
William J. Green, Jr., of Penna.	William H. Bates, of Massachusetts
Clyde Doyle, of California	William E. Hess, of Ohio
Edward de Graffenried, of Alabama	Joseph R. Farrington, of Hawaii
L. Gary Clemente, of New York	E. L. Bartlett, of Alaska
Victor Wickersham, of Oklahoma	A. Fernós-Isern, of Puerto Rico

Bryce N. Harlow, Clerk